



Docket Number: 4121 FW1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TH/C

Art Unit : 122
Examiner : W. Teoli
Applicant(s) : Mahendra I. Amin and Jay A. Campbell
Serial Number : Continuation of 06/898,676
Filed :
For : CRYSTALLINE CEPHALOSPORIN HYDROHALIDE SALTS

Commissioner of Patents and Trademarks
Washington, DC 20231

PRELIMINARY AMENDMENT

Sir:

This is an amendment filed in connection with a file wrapper continuation application. For this application, Applicant makes the following preliminary amendments and remarks:

CLAIMS:

Delete all claims (1-3 and 5-14) and replace them with new claims 15-27 attached hereto.

REMARKS

Reconsideration of this application as amended is requested.

New claims 15-27 correspond to deleted claims 1-3 and 5-14.

Claims 1-3 and 5-14 were pending in this application.

Claims 5-7 and 12 were withdrawn from consideration due to a restriction requirement as explained below.

Claims 1-3, 8-11 and 13-14 were rejected.

Restriction to one of the following inventions was required under 35 USC 121: I. Claims 1-3, 8-11 and 13-14 drawn to a crystalline cephalosporin compound, compositions and method; II. Claims 5-7 and 12 drawn to a process for making Group I compounds. A provisional election was made with traverse to prosecute the invention of Group I. (Claims 1-3, 8-11 and 13-14). Applicant affirmed this election but continued to traverse the restriction requirement. The Examiner acknowledged Applicant's election with traverse, but the restriction requirement was deemed to be proper and was made final.

Applicant requests that this restriction requirement be reconsidered since